

REMARKS

This response is submitted in response to the Final Rejection dated August 12, 2004. Claims 15-21 and 29-36 are pending. Claims 29, 34, and 35 stand rejected. Claims 15-21, 30-33 and 36 have been objected to as being dependent upon a rejected base claim.

Reconsideration and allowance is respectfully requested in view of the filing of a Terminal Disclaimer herewith and the remarks made below.

1. Miscellaneous

As noted in Applicants' previous response, the Attorney Docket Number is incorrectly shown as 82528. The correct Attorney Docket No. is 83175. Please have this corrected in the U.S. Patent Office records.

2. Double Patenting Rejections

Claim 29 was rejected in the Office Action under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,083,818 in view of either U.S. Patent No. 5,930,669 ("Uzoh") or U.S. Patent No. 5,933,753 ("Simon"). Claim 29 was also rejected over claim 10 of U.S. Patent No. 6,211,066 in view of either Uzoh or Simon. Claims 29, 34, and 35 were rejected over claims 3 and 7 of U.S. Patent No. 6,566,247 in view of either Uzoh or Simon. Claims 29, 34, and 35 were also provisionally rejected over claims 15 and 20 of co-pending U.S. Patent Application No. 09/137,086 (now U.S. Patent No. 6,720,654) in view of either Uzoh or Simon. Specifically, the Examiner stated that it would have been obvious to a person of ordinary skill in the art to modify the process of the various patent claims by depositing a single crystal transition metal onto the barrier film, in view of the teachings of either Uzoh or Simon.

Applicant submits herewith a Terminal Disclaimer over U.S. Patent Nos. 6,083,818; 6,566,247; 6,211,066; and 6,720,654 (application No. 09/137,088). This Terminal Disclaimer is considered to obviate all of the outstanding obviousness-type double patenting rejections in the above-identified application. More specifically, three of the four obviousness-type double

patenting rejections are based on U.S. Patent Nos. 6,083,818; 6,566,247; and 6,211,066. Thus, the filing of a Terminal Disclaimer over these patents obviates these double patenting rejections.

The sole provisional obviousness-type double patenting rejection was based on U.S. Patent Application No. 09/137,086. U.S. Patent Application No. 09/137,086 has now matured into issued U.S. Patent No. 6,720,654. Thus, the filing of a Terminal Disclaimer over U.S. Patent No. 6,720,654 obviates the provisional obviousness-type double patenting rejection over U.S. Patent Application No. 09/137,086.

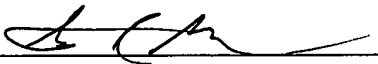
Accordingly, since all of the outstanding rejections have been obviated by the filing of a Terminal Disclaimer, entry of the Terminal Disclaimer to place the application in condition for allowance is requested. Favorable consideration and issuance of a Notice of Allowance is also requested.

3. Conclusion

Applicants believe that this application is in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution, the Examiner is respectfully invited to telephone the undersigned at 540-653-8061. Please apply any charges or credits to deposit account No. 50-0967.

Respectfully submitted,

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